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out the offense with which the person who is let to bail is charged, there is a compliance with Code 1919, § 4973.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 217, et seq.]

Appeal from Circuit Court, Montgomery County.

Proceeding by the Commonwealth against Leslie Alls and another to forfeit a recognizance. Judgment for the State, and defendants appeal. Affirmed.

V. M. Sowder, of Christiansburg, and *R. L. Jordan*, of Radford, for appellants.

John R. Saunders, *Atty. Gen.*, *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, and *Leon B. Bazile*, *Second Asst. Atty. Gen.*, for the Commonwealth.

THACKER *v.* COMMONWEALTH.

Sept. 28, 1921.

[108 S. E. 559.]

1. Criminal Law (§ 304 (20)*)—Common Knowledge that Corn Whisky Is Intoxicating.—It is a matter of common knowledge that corn whisky is intoxicating

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 632.]

2. Intoxicating Liquors (§ 138*)—Fixed Destination Not Necessary to Constitute Unlawful "Transportation."—An ultimate destination at a fixed point is not necessary to constitute "transportation" within the prohibition statute.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Transport—Transportation.]

3. Intoxicating Liquors (§ 138*)—Transportation Held Unlawful.—Transportation of corn whisky in an automobile to be drunk along the road by defendant and the friends who were riding with him held unlawful.

4. Intoxicating Liquors (§ 224*)—No Burden on Commonwealth to Show Quantity Unlawfully Transported.—In a prosecution for unlawfully transporting corn whisky, where it appeared that defendant took a half-gallon fruit jar of the whisky along on an automobile trip to be drunk along the road, there was no burden on the commonwealth to show that the jar contained more than a quart.

Error to Circuit Court, Alleghany County.

One Thacker was convicted of unlawful transportation of ardent spirits, and he brings error. Affirmed.

*For other cases see same topic and KEY-NUMBER in all Ket Numbered Digests and Indexes.